

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEPHEN McCOLLUM and SANDRA	§	
McCOLLUM, individually, and	§	
STEPHANIE KINGREY, individually and	§	
as independent administrator of the	§	
ESTATE OF LARRY GENE	§	
McCOLLUM,	§	CIVIL ACTION NO. 4:14-cv-03253
Plaintiffs,	§	
	§	
v.	§	
	§	
BRAD LIVINGSTON, et al.,	§	
Defendants.	§	

**DENEE ROBISON’S OBJECTIONS AND RESPONSES TO PLAINTIFFS’ SUBPOENA
DUCES TECUM ATTACHED AS EXHIBIT A TO THEIR APRIL 14, 2016 NOTICE TO
TAKE DENEE ROBISON’S DEPOSITION**

Denee Robison (“Robison”) responds to Plaintiffs’ Subpoena Duces Tecum attached as Exhibit A to the April 14, 2016 Notice to Take Denee Robison’s Deposition (“Subpoena”) as follows:

General Objection: Ms. Robison objects to the definition of “you” contained in the Subpoena. The definition is overly broad and unduly burdensome to the extent it attempts to require her to produce documents of any staff, individuals, and/or entities working at her direction during the time she has been employed by UTMB.

1. All documents you have reviewed in preparation for your deposition.

RESPONSE: Ms. Robison objects to the extent this request is overbroad and unduly burdensome in seeking to discover all documents that Ms. Robison may have reviewed in the course and scope of her job duties that may relate to topics addressed during her deposition. Ms. Robison further asserts the attorney-client privilege and work product protection to the extent this request seeks the identity of documents or communications that may have been reviewed with counsel in preparation for this deposition.

Subject to and without waiving the foregoing objections, any documents reviewed by Ms. Robison have either been previously produced, or are attached to this Subpoena and produced herein.

2. Your most recent curriculum vitae.

RESPONSE: Ms. Robison's current CV is attached.

3. All communications concerning the heat to or from you (including those in which you were cc'd or bcc'd) for the period of May 1, 2011 to January 1, 2012 that have not already been produced.

RESPONSE: Ms. Robison objects to the extent this request is vague and ambiguous due to the undefined term "heat" and further that the request is overbroad and unduly burdensome in requesting that she review all communications during this time period to determine their potential responsiveness to this request.

Subject to and without waiving the foregoing objections, communications to or from Ms. Robison have either been previously produced, or are attached to this Subpoena and produced herein.

4. All communications concerning the heat to or from you (including those in which you were cc'd or bcc'd) for the period of January 1, 2012 to January 1, 2013 that have not already been produced.

RESPONSE: Ms. Robison objects to the extent this request is vague and ambiguous due to the undefined term "heat" and further that the request is overbroad and unduly burdensome in requesting that she review all communications during this time period to determine their potential responsiveness to this request. Ms. Robison further asserts the attorney-client privilege and work product protection to the extent this request seeks the identity of documents or communications exchanged with counsel as may relate to the heat litigation cases.

Subject to and without waiving the foregoing objections, communications to or from Ms. Robison have either been previously produced, or are attached to this Subpoena and produced herein.

5. All communications concerning the heat to or from you (including those in which you were cc'd or bcc'd) for the period of January 1, 2013 to the present that have not already been produced.

RESPONSE: Ms. Robison objects to the extent this request is vague and ambiguous due to the undefined term “heat” and further that the request is overbroad and unduly burdensome in requesting that she review all communications during this time period to determine their potential responsiveness to this request. Ms. Robison further asserts the attorney-client privilege and work product protection to the extent this request seeks the identity of documents or communications exchanged with counsel as may relate to the heat litigation cases.

Subject to and without waiving the foregoing objections, communications to or from Ms. Robison have either been previously produced, or are attached to this Subpoena and produced herein.

6. All documents or other materials you have reviewed, consulted, or relied upon in forming your opinions or conducting your work in connection with this case.

RESPONSE: Ms. Robison and UTMB object to the extent this request implies Ms. Robison is an expert and will offer expert opinions in this matter, or that she has conducted independent work in connection with this case. Ms. Robison is not a retained or consulting expert in this case. Ms. Robison is offered as a fact witness only.

Subject to and without waiving the foregoing objections, *see* Response to Request No. 1 as relates to documents reviewed by Ms. Robison.

7. All documents evidencing any agreement between you and TDCJ or their attorneys or representatives.

RESPONSE: Ms. Robison objects to the extent this request is vague and ambiguous due to the undefined terms, “agreements” and “representatives.”

Subject to and without waiving the foregoing objections, none.

8. All notes you have prepared or documents you have created in connection with this case.

RESPONSE: Ms. Robison asserts the attorney-client privilege and work product protection to the extent this request seeks any notes she may have created in meeting with counsel and/or in preparation for this deposition.

Subject to and without waiving the foregoing, none.

9. All documents or other materials provided to you by counsel for Defendants in connection with this case.

RESPONSE: Ms. Robison asserts the attorney-client privilege and work product protection to the extent this request seeks the identity of documents or communications exchanged with counsel as may relate to the heat litigation cases.

Subject to and without waiving the foregoing, Ms. Robison was provided with a copy of Plaintiff's Notice to Take Denee Robison's Deposition and Exhibit A attached thereto.

10. Any documents you ever reviewed regarding decisions not to air condition any Texas Department of Criminal Justice prison facility.

RESPONSE: None.

11. All notes you have prepared or documents you have created in connection with this case.

RESPONSE: *See* Response to Request No. 8.

Respectfully submitted,

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/s/J. Lee Haney
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BRANCH**

NOTICE OF ELECTRONIC FILING

I, J. Lee Haney, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a correct copy of the foregoing in accordance with the Electronic Case Files System of the Southern District of Texas, on April 27, 2016.

/s/J. Lee Haney
J. LEE HANEY
Assistant Attorney General

CERTIFICATE OF SERVICE

I, J. Lee Haney, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served on all counsel of record via electronic mail on April 27, 2016, as authorized by Fed. R. Civ. P. 5(b)(2) and in accordance with the electronic case filing procedures of the United States District Court for the Southern District of Texas.

/s/J. Lee Haney
J. LEE HANEY
Assistant Attorney General